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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,592	02/23/2004	Chii-Ron Kuo	1291054	3200

7590 11/22/2005

PRO-TECTOR INTERNATIONAL  
20775 Norada Court  
Saratoga, CA 95070-3018

EXAMINER

MACPHERSON, MEOGHAN E

ART UNIT PAPER NUMBER

3732

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/785,592	KUO ET AL.	
	Examiner	Art Unit	
	Meaghan E. MacPherson	3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Taiwan on November 26, 2003. It is noted, however, that applicant has not filed a certified copy of the SN 092133256 application as required by 35 U.S.C. 119(b).

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the air inlet and air outlets placed on two opposite sides of the turbine as indicated in claim 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

Art Unit: 3732

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The following guidelines illustrate the preferred layout for the specification of a utility application, as suggested the brief description of the drawings precedes the detailed description of the invention. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order.

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

4. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise

Art Unit: 3732

and exact. It is appearing to be a translation into English from a foreign document and is replete with grammatical and idiomatic errors.

The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. An example of some unclear, inexact or verbose terms used in the specification includes: on page 4, lines 29-30 read "a closed case of the drill head is substituted for the casing 10 and the front lid 50."

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the examiner what is meant when applicant recites, "wherein a case of said drill head is substituted for said casing and said front lid." For the purposes of this Office Action, claim 7 will be examined as best understood.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3732

9. Claims 1, 3, and 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bailey'784 (US Patent No. 6,186,784).

Bailey'784, disclosed as prior art on page 2 and in the figures of the applicant's specification, discloses a dental handpiece comprising an open front end casing **h** with an air inlet **h1** and an air outlet **h2**, a rear bearing and front bearing **a** inside the casing, an air turbine **b** having a wheel and a plurality of blades driven by compressed driving air, and an axis **c** for carrying the air turbine and both bearings as well as possessing a front end with a central hole (see Figure 6). Bailey'784 also discloses a drill head **d** having a rear end inserted into the central hole of the axis, and a front lid **g** set on the open front end of the casing, sealing the casing with the drill head passing through the front lid see (Figure 6). Bailey'784 discloses that between the outer peripheries of the front and rear bearings of the casing, ring-shaped spaces are left (see Figure 7). The air inlet in cut through the casing close to the open front end and the air outlet is cut through the casing close to a rear end thereof (see Figure 7). Bailey'784 also discloses that the air inlet reaches to a front ring channel between an outer periphery of the front bearing and the casing, and that the air outlet reaches to a rear ring channel between an outer periphery of the rear bearing and the casing (see Figure 7). Bailey'784 further discloses that a sealing ring **e** is inserted between the drill head and the air outlet.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horner'220 (US Patent No. 6,312,220). Bailey'784 discloses the dental handpiece that shows the limitations as described above; however, Bailey'784 does not disclose the driving air led to the blades in an axial direction.

Horner'220 teaches an air turbine motor where the driving air is led to the blades in an axial direction (see col. 1, lines 33-44, 52-54; col. 2, lines 34-40, 53-62; see Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the dental handpiece of Bailey'784 to incorporate the teachings of Horner'220 to create a dental handpiece with a greater effective output drive of the air turbine.

12. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez'995 (US Patent No. 5,553,995). Bailey'784 discloses the dental handpiece that shows the limitations as described above; however, Bailey'784 does not disclose a deflector.

Martinez'995 teaches a deflector 17 placed in front of the wheel of a turbine 12 (col. 5, lines 33-36; see Figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the dental handpiece of Bailey'784 to incorporate the teachings of Martinez'995 in order to direct the air in an optimum manner over the blades of the turbine within the handpiece.

Regarding claim 5, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place a deflector behind the wheel of the turbine, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Art Unit: 3732

Regarding claim 6, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place deflectors behind and in front of the wheel of the turbine, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

13. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey'784. Bailey'784 discloses the claimed invention except for the air inlet and air outlet being placed on two opposite sides of the air turbine. It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the air inlet and air outlet on two opposite sides of the air turbine, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

#### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US. Patent No. 3,324,553 to Borden, Reissue 30,340.

US. Patent No. 4,318,695 to Lieb et al.

US. Patent No. 5,252,067 to Kakimoto.

US. Patent No. 5,336,089 to Sakurai.

US. Patent No. 6,152,736 to Schmidinger et al.

US. Patent No. 6,270,345 to Abbott et al.

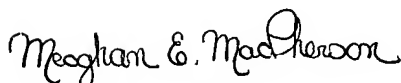


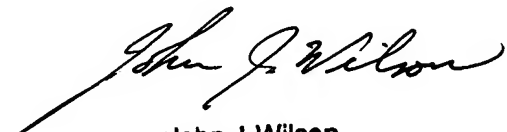
Art Unit: 3732

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meaghan E. MacPherson whose telephone number is (571)-272-5565. The examiner can normally be reached on Mon-Fri 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571)-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Meaghan E. MacPherson

  
John J. Wilson  
Primary Examiner